

Introductory Remarks: *Can the U.S. and its Allies Overcome the Authoritarian Challenge to Democratic Values?*

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Remarks as prepared for delivery

Good morning, and thank you, Elisa, for your generous introduction. I also thank Human Rights First for the invitation to be here today to speak about the challenges we all face as advocates for human rights and democracy around the world. This dialogue is especially critical at this moment in history, as so many of those who claim the mantle of leadership are engaged in fear-mongering and urging our country to respond to despicable terrorist attacks by repeating last century's mistakes.

As I was thinking about this morning's forum, I looked again at the description on the agenda of the panel discussion that will begin in a few minutes, and I was struck not so much by what has changed, but by what has not. "Authoritarian states waging a global ideological campaign against democracy and human rights" reminds me a lot of the Cold War, as does the use of misinformation and propaganda; the political manipulation of foreign aid and multilateral institutions; and fake elections. The phrasing of the question also struck me, because it characterizes the problem in us-them terms: 'How can the United States and its allies effectively push back against this mounting international threat to human rights and democracy?' That might make sense if the U.S. and our allies were always on the right side of the democracy-human rights versus authoritarianism dilemma. But in my experience that's not always the case.

Let me start with some of my own history. Before I was elected to the United States Congress in 1996, I had the privilege of serving for 14 years as a senior aide to the late U.S. Congressman Joe Moakley, from south Boston. In that capacity, I was asked to help lead a congressional investigation on behalf of a special commission appointed by the Speaker of the House and chaired by the Congressman, into the murders of six Jesuit priests, their housekeeper and her daughter, committed at the University of Central America (the UCA) in San Salvador in 1989. That atrocity took place in the context of the Salvadoran civil war, and we were able to determine that the Salvadoran military planned and carried out the murders. Many of you will remember that at the time El Salvador was a U.S. ally combating a left-wing insurgency, and so its armed forces benefited from very large amounts of U.S. military assistance in spite of the

government's atrocious human rights record. When the war was over and the bodies were counted, more than 75,000 civilians had died. To this day, accountability for the human rights violations and war crimes committed during that war is elusive. But I still feel unsettled when I think of how my government explained away and perpetrated and lied about terrible atrocities. El Salvador reflected our cold War policies. We chose to believe that every revolutionary movement was born in Moscow or Havana – and as a result we too often overlooked human rights in favor of our own misguided strategic priorities.

The Cold War ended in 1991 with the collapse of the Soviet Union, and for a brief time, there was euphoric talk of a peace dividend – not least by President Bush and Prime Minister Thatcher. U.S. military spending decreased in the early 1990s and stayed flat that decade, even with the first Gulf War and the wars in Bosnia and Kosovo. But then came September 11th, and the resulting “war against terrorism.”

Since that fateful day, we have spent \$4.4 trillion dollars and counting on a series of wars in South Central Asia and the Middle East. Some 370,000 people have died due directly to the violence of war, of whom 210,000 were civilians. 6,800 brave U.S. soldiers and 6,900 contractors have been killed, and disability claims continue to pour into the Veterans Administration - 970,000 as of the end of last March. In the region, 7.6 million people have been displaced indefinitely – a number equivalent to the entire population of my home state of Massachusetts, plus Delaware. All this, and yet the war is unending. The newest iteration against the brutal so-called Islamic State began last year and has already intensified in the aftermath of Paris and San Bernardino.

Let me be clear: of course the United States must fight against those who would use terrorist tactics to intimidate, maim and kill on our soil, whether their hate-filled extremist ideology is homegrown or comes from abroad. But we need to make sure that fight is not used to justify human rights abuses and war crimes that end up generating even more extremism. We in the United States cannot have it both ways: we cannot expect that others will respect human rights and protect civilians if we do not, nor that democracy can be built on a foundation of repression. I thought perhaps we had learned these lessons from the Cold War, but apparently not well enough.

Some of the things that have been done in our name in recent years that have contributed to undermine human rights norms and international humanitarian law are so well-known that I need only mention them: the use of torture and water-boarding; Abu Ghraib; Guantanamo. We owe those who challenged these practices at the time a great debt for helping to slow the train of our own destruction. But even when critics are given their due after the fact, new problems

appear, such as our reliance on drone strikes that have killed civilians. The real number of civilian deaths from drones is unknown because so little information is available, but in Pakistan in 2011 alone the figure was between 72 and 155. For the average Pakistani on a street somewhere, a drone strike likely feels as random and indiscriminate as any mass shooting does to us.

And then there is the question of our allies. This year, in my capacity as Co-Chair of the Tom Lantos Human Rights Commission, I have heard from victims of human rights abuses committed by the governments of Bahrain, Saudi Arabia and Egypt, to name only a few. Among them, these countries receive billions of dollars of U.S. military aid every year, as they systematically repress their own populations. I believe in engagement, and I appreciate that calculating the balance between national security and other objectives is complex. But these are countries where doctors have been imprisoned for treating injured protesters, where the death of their husbands can leave women stateless, and where tens of thousands of people have been jailed for dissent. At the end of the day, I think we should not be surprised that many people who live in the Middle East or elsewhere do not necessarily perceive the United States to be a great protector of human rights.

In short, what I want to say to you is that when we reflect on the question of how the U.S. and its allies can strengthen human rights and democracy in today's world, we must first always seek to continually narrow the gap between what we value and the way we conduct ourselves on the world stage, including in the context of armed conflicts. We must act in accordance with our commitment to human rights not only when it is convenient, but especially when it is hard.

I believe in diplomacy and engagement, and I also believe in holding governments, including our own, accountable for the way they treat their people. Sometimes foreign policy experts and our government act as if engagement and accountability are at odds with each other. But as I look around the world, I see human rights abuses contributing to prolong wars and generate violent extremism. I believe our only option is engagement with accountability.

First, as we engage governments around the world, we must continue to prioritize our relationships with civil society as well, providing both political and financial support. The U.S. has a strong record of support for civil society that must be sustained. We should be backing the efforts of human rights organizations to hold their governments accountable. We should be supporting the peacemakers who work on reconciliation, strengthen resilient communities and seek to create tolerance, community and consensus – who offer alternatives to unending war. We should be empowering women. In countries where governments are cracking down on civil society organizations, we should redouble our efforts, and our engagement should be as public

and visible as possible at any given moment, because no country changes without pressure from its citizenry and democracy does not function without civil society.

At the same time, we should also remember that we don't have a corner on the market of what constitutes and defines "democracy." It can take many forms, and just like freedom, it is best defined by the dreams and aspirations of those in society who are most deprived of its benefits. This is why all democracies -- including our own -- are a work in progress.

Second, U.S. administrations must not shy away from raising human rights and democracy issues with any government. I have just returned from a congressional trip to China and Tibet, during which all of us as members of Congress took every opportunity to talk about human rights issues. We were respectful, but we did not back down from expressing our concerns about the treatment of the Tibetan population or our rejection of the jailing of opposition activists, lawyers and religious figures. I don't expect that our week of dialogue will magically transform Chinese policies. But we tried to make the point that while Chinese officials view any opposition, any religion, or any free-thinking as a threat to their stability – in reality, the Chinese government's policy of jailing and silencing those who fall into these categories actually makes China's future less stable.

At the same time, let's not repeat the great mistake of the Cold War and cleave human rights into ideological pieces. I believe in the Universal Declaration of Human Rights. It is one body of rights. Ending hunger is equally as important as freedom of religion. Freedom of expression is equally as important as health care. Each and all are basic human rights, as necessary as oxygen to a life with dignity.

Third, we should continue to strengthen the tools we have available to pursue accountability, both judicial and non-judicial. Last January, Congressman Chris Smith of New Jersey and I introduced the Global Magnitsky Act, which would allow the President to impose sanctions on any foreign person determined to be responsible for committing gross violations of human rights against individuals who try to expose illegal activity by government authorities, or who are otherwise exercising, defending or promoting internationally recognized human rights. These people would not be able to enter the United States, nor engage in property transactions there.

This legislation is not a substitute for strengthening the rule of law in countries where human rights violations and corruption happen every day and undermine democracy and security. But it would give this and future administrations a powerful tool at the international level to try to ensure that people responsible for abuses and crimes do not completely get away

with them. At a minimum, perpetrators should not benefit from being able to come to the U.S. and doing business here. Your support for passage would be most welcome.

As we seek to strengthen accountability for human rights violations, we must also embrace the need for accountability for violations of international humanitarian law. We should find ways to support and strengthen the documentation of war crimes and we should make sure that sanctions frameworks extend to these crimes. The International Criminal Court was a major step forward, but it is only as effective as the will of the international community to enforce its decisions. We should be encouraging initiatives that can facilitate and complement the Court's work. And I, for one, deeply regret that President George W. Bush removed the U.S. from the Treaty of Rome and its important work.

At the same time, we must renew our commitment and that of our allies to the protection of civilians in conflict. In the case of Syria, for example, there are some very specific things we can do, such as hardening medical facilities and encouraging the opening of more border crossing points to facilitate the flow of aid.

We should also reinforce the implementation of the Leahy Law and continue to condition military aid to countries with egregious human rights records, especially in situations of armed conflict. We know that this sort of pressure can make a difference. At this juncture, the United States simply cannot afford to be complicit in human rights or humanitarian law abuses committed by other governments. A new cause for worry is the current Saudi campaign in Yemen, supported by the U.S., which is killing 30 people a day, has displaced 1.4 million, and is destroying civilian infrastructure, including medical facilities. Not only is the war not resolving the underlying political problem, but once again the total disregard for civilians is deepening secular divisions. We should not be surprised if this comes back to haunt.

Finally, the U.S. Congress must debate a new Authorization for the Use of Military Force. After 14 years of the war against terrorism, with no end in sight, the most important thing we could do is to have a serious debate over U.S. strategy and tactics, in which the voices of those who understand the negative consequences of our current approach, including its impact on international human rights and humanitarian law, can be heard. At the end of the day, I'm an optimist – I still believe reasoned debate is possible.

This is not by any means an exhaustive list. But to conclude, I want to insist on one simple idea: any failure on our part to comply with our obligations under international law ends up weakening the very norms and standards we want other countries to live by. So the first place

we should be looking as we think about how to strengthen human rights and democracy around the world is in our own backyard.

Thank you.